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HUMAN RIGHTS COMMITTEE
Seventy-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Hungary

1. The Committee considered the fourth periodic report of Hungary (CCPR/C/HUN/2000/4) at its 1993rd and 1994th meetings, held on 22 March 2002 (CCPR/C/2002/SR.1993 and 1994), and adopted the comments set out below at its 2005th meeting (seventy-fourth session), held on 2 April 2002 (CCPR/C/2002/SR.2005).

A. Introduction

2. The Committee welcomes the State party's fourth periodic report and the constructive discussion it had with the State party delegation. It appreciates the additional details and statistical data provided by the delegation as a supplement to the information contained in the report. It observes that it would have been helpful if this information had been included in the report itself, so as to permit a more considered examination by the Committee.

B. Positive aspects

3. The Committee commends the State party for the substantial progress it has made in strengthening democratic institutions within its jurisdiction. It welcomes the legislative measures and other steps towards establishing and consolidating a human rights regime which have been taken since the submission of its last report. It particularly notes the establishment of a framework for minority protection and minority electoral representation.

4. The Committee welcomes the contribution of the Constitutional Court in resolving conflicts between national legislation and obligations under the Covenant.

5. The Committee takes note of assurances given by the State party that measures to combat terrorism will respect Covenant guarantees.

C. Principal subjects of concern and recommendations

6. While the Covenant is incorporated into the domestic legal order and is directly applicable before the Hungarian courts, not all Covenant rights are ensured in practice. The Committee is also concerned that, notwithstanding article 26 of the Covenant, there is no comprehensive legislative provision against discrimination.

The State party is requested to take steps to enact comprehensive anti-discrimination legislation (art. 26).

7. The Committee is deeply concerned at the situation of the Roma people who, despite various steps taken by the State party, remain disadvantaged in almost all aspects of life covered by the Covenant. The Committee particularly regrets ongoing discrimination against Roma with regard to employment, housing, education, social security and participation in public life. The excessively high number of Roma in prisons, reports of their ill-treatment in police custody and the continuing existence of separate schools are also ongoing sources of concern to the Committee.

The State party should strengthen measures for improving the situation of the Roma people. In addition to further legislative steps, the training of officials, in particular the police, is strongly recommended, as is a vigorous campaign to alter public attitudes vis-à-vis the Roma people. The State party should also discontinue the placement of Roma children in special schools or special classes and give priority to measures that will enable them to benefit from regular schools and classes (arts. 26 and 27).

8. The Committee regrets that, under the new Criminal Procedure Act, short-term arrest of up to 12 hours remains possible. It expresses its concern both at the length of the initial pre-trial detention phase (up to 72 hours) and the difficulties experienced by detainees in contacting their families and obtaining access to a lawyer, especially if the detained person cannot afford to engage private counsel. Further, the Committee is deeply concerned at ongoing pre-trial detention on police premises and the high risk of ill-treatment which it entails. It also greatly regrets that pre-trial detention of up to three years is provided for under the Act.

The State party should reconsider removing these provisions from the new Criminal Procedure Act, especially those permitting detention in police stations for more than 48 hours. The State party should ensure that its law and practice are compatible with article 9 of the Covenant. It should also bring to the attention of judges the particular risk of ill-treatment in police premises, and take appropriate measures to ensure detainees' rights to contact their families and obtain legal assistance (arts. 7, 9 and 14).

9. The Committee is concerned at the low participation of women in political life and at their segregation in the labour market, as well as their low representation in senior levels of government and in the private sector.

The State party should implement positive measures in order to give effect to its Covenant obligations to ensure the equal participation of women in both the public and private sectors (art. 3).

10. The Committee regrets continuing reports of violence against women, including rape and sexual harassment.

The State party should take more vigorous measures to encourage the development of a culture of human rights and to ban violence against women; in this context, training and education in human rights are essential at all levels and in all sectors of society. In particular, the State party should take measures to encourage women to report domestic violence to the authorities, and to make police officers more sensitive in their handling of allegations of rape and its psychological effects on the victim. It should also consider enacting further legislation to deal with domestic violence, including the introduction of restraining orders as a means of separating women from violent male family members; and it should provide shelters and other support for victims of domestic violence (arts. 3, 7 and 9).

11. The Committee is concerned at the high maternal mortality rate in Hungary and the fact that the State party does not provide sufficient support for family planning through effective means of contraception.

The State party should take steps to protect women's life and health, through more effective family planning and contraception (art. 6).

12. The Committee is concerned at the high number of reports of ill-treatment by law enforcement agencies, the limited number of investigations carried out by the State party in such cases, and the very limited number of convictions in those cases which are investigated.

The State party should take measures to educate law enforcement officials and judges with a view to preventing such treatment and, when it occurs, should ensure careful investigation and prosecution where necessary. It should also establish an independent system of investigation of complaints of abuses by law enforcement officials (art. 7).

13. The Committee is concerned that, notwithstanding the construction of new prison facilities, there is continuing overcrowding in prisons.

The State party should take steps to reduce the grounds for detention provided for by law, to promote alternatives to detention, and to construct additional prison facilities as needed (art. 10).

14. The Committee notes with concern discriminatory practices with respect to the registration of certain religious groups in Hungary and the limited protection accorded to the religious rights of asylum-seekers and prisoners. It further notes that the restitution of Church property has not been completed in a timely manner. Finally, it observes that educational programmes concerning religious tolerance and non-discrimination on the basis of religion or conviction are inadequate.

The State party should ensure that religious organizations are treated in a manner that is compatible with the Covenant; it should reinforce the protection of religious rights of asylum-seekers and prisoners; it should complete the process of restitution of Church property without discrimination; and it should undertake educational programmes designed to promote tolerance and the elimination of discrimination on the grounds of religion and conviction (arts. 18 and 26).

15. The Committee regrets the lack of information from the State party on measures undertaken to ensure the implementation in practice of its obligations under article 19 of the Covenant.

The State party should provide adequate information on this issue in its next periodic report.

16. The State party should widely publicize the text of its fourth periodic report and these concluding observations.

17. Pursuant to rule 70, paragraph 5, of the Committee's rules of procedure, the State party should furnish within one year information on any action it has taken in the light of the Committee's observations and recommendations on the situation of the Roma people (para. 7) and pre-trial detention in police premises (para. 8). The Committee requests that information on the remainder of its recommendations be included in the fifth periodic report, due to be submitted by 1 April 2007.